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15 UNITED STATES DISTRICT COURT

16 DISTRICT OF NEVADA

17 ELIZABETH CARLEY,

Case No. 2:17-cv-02670-MMD-VCF

18 Plaintiff,

19 v.

20 JO GENTRY, et al.,

JOINT STIPULATION AND ORDER  
TO EXTEND THE JOINT PRETRIAL  
ORDER DEADLINE FROM APRIL  
25, 2022, TO MAY 25, 2022  
(Second Request)

21 Defendants.

22 Plaintiff Elizabeth Carley, by and through counsel, Lisa. A. Rasmussen, and  
23 Defendants, Sheryl Foster, Patrick Vejar, Jo Gentry, James Dzurenda, Charles Daniels,  
24 Gabriela Najera, Tanya Hill, Dwight Neven, Cynthia Ruiz, and Kim Thomas, by and  
25 through counsel, Aaron D. Ford, Nevada Attorney General, and Christopher M. Guy,  
26 Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby  
27 submit a Joint Stipulation And Order To Extend The Joint Pretrial Order Deadline From  
28 May 25, 2022, to **Monday, June 27, 2022**.

1      **I. INTRODUCTION**

2      The Parties hereby move to extend the Joint Pretrial Order deadline from May 25,  
 3      2022, to June 27, 2022 (32 days). Good cause exists in this case because the Parties have  
 4      resumed settlement discussions and may be able to resolve this matter without further  
 5      litigation. Additionally, both counsel for Plaintiff and Defendants assumed litigation  
 6      responsibilities for this matter post summary judgment briefing. Plaintiff's counsel  
 7      appeared in this matter as recent as January 25, 2022, for the purpose of a settlement  
 8      conference.<sup>1</sup> ECF No. 163. The Parties agree that additional time is necessary to review  
 9      the discovery records produced in this matter to submit a Joint Pretrial Order.

10     **II. LAW AND ARGUMENT**

11     **A. Law**

12     Federal Rule of Civil Procedure 6(b)(1)<sup>2</sup> provides:

13     (1) In General. When an act may or must be done within a  
 14      specified time, the court may, for good cause, extend the time:

15        (A) with or without motion or notice if the court acts, or if  
 16      a request is made, before the original time or its extension  
 17      expires; or

18        (B) on motion made after the time has expired if the party  
 19      failed to act because of excusable neglect.

20     FED. R. CIV. P. 6(b)(1).

21     The United States Supreme Court has recognized, "Rule 6(b) gives the  
 22      court *extensive flexibility* to modify the fixed time periods found throughout the rules,  
 23      whether the enlargement is sought before or after the actual termination of the allotted  
 24      time." *Lujan v. Nat'l Wildlife Fed.*, 497 U.S. 871, 906 n. 7 (1990) (internal quotation marks  
 25      and citation omitted) (emphasis added); *see also Perez-Denison v. Kaiser Found. Health*  
*Plan of the Nw.*, 868 F. Supp. 2d 1065, 1079 (D. Or. 2012) (citing and quoting *Lujan*, 497

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26      <sup>1</sup> This settlement conference was more akin to a global settlement conference as two  
 27      of Plaintiff's cases were at issue: the other case being 2:17-cv-02346-MMD-CLB.

28      <sup>2</sup> LR IA 6-1(a): "A motion or stipulation to extend time must state the reasons for the  
 29      extension requested and must inform the court of all previous extensions of the subject  
 30      deadline the court granted." Further, a "stipulation or motion seeking to extend the time  
 31      to file an opposition or reply to a motion, or to extend the time fixed for hearing a motion,  
 32      must state in its opening paragraph the filing date of the subject motion or the date of the  
 33      subject hearing." LR IA 6-1(c).

U.S. at 906). Further, this rule, like all the Federal Rules of Civil Procedure, is to be liberally construed to effectuate the general purpose of seeing that cases (and other disputed issues) are decided on the merits. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258 (9th Cir. 2010). Regarding “Good cause,” it is a non-rigorous standard that has been construed broadly across procedural and statutory contexts. *Id.* (citing several circuits *Venegas-Hernandez v. Sonolux Records*, 370 F.3d 183, 187 (1st Cir.2004); *Thomas v. Brennan*, 961 F.2d 612, 619 (7th Cir.1992); *Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951, 954 (4th Cir.1987)).

Consequently, requests for extensions of time made before the applicable deadline has passed should “normally ... be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” *Ahanchian*, 624 F.3d at 1259 (quoting 4B Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1165 (3d ed. 2004)).

#### **B. Agreement**

On May 20, 2022, the Parties meet and conferred about the status of the case. The Parties renewed settlement discussions as Plaintiff’s circumstances have changed now that she resides in transitional housing. The Parties agreed that Plaintiff’s new circumstance should be considered for settlement purposes and present new opportunities for settlement that were not considered at the March 24, 2022, settlement conference. The Parties do not act in bad faith.

Additionally, the Parties seek additional time to work together to draft the Joint Pretrial Order. The Parties are working together to determine what records were produced prior to counsels’ appearances in this matter. The additional time is necessary to the drafting and agreement to a joint order. Thus, the Parties request an extension of the Joint Pretrial Order deadline of May 25, 2022, to June 27, 2022.

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### III. CONCLUSION

For the foregoing reasons, the Parties request an extension of the Joint Pretrial Order deadline of May 25, 2022, to **June 27, 2022**.

DATED this 20th day of May 2022

DATED this 20th day of May 2022

By: /s/ Lisa A. Rasmussen  
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IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE  
5-23-2022  
DATE: \_\_\_\_\_